

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KYLE PARKS,)	
)	
Movant,)	
)	
v.)	No. 4:22-CV-306 JAR
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

Before the Court is movant’s document titled, “Attachment, to Compel District Court[’]s Review of Ineffective Assist[ance] of Counsel.” The document was received by the Eighth Circuit Court of Appeals on April 4, 2022. The Eighth Circuit forwarded the document to this Court on April 5, 2022, with the following notation:

Please find what we have construed as a new motion or possibly a notice of appeal in the above-mentioned case that was forwarded to this Court by Mr. Kyle Parks.

Mr. Parks has repeatedly been advised that sending notices of appeal and other documents that should be filed in the District Court to our court only results in delay as they must then be forwarded to the appropriate court for filing.

[ECF No. 4, p.1].

This Court has reviewed movant’s filing and it appears to contain arguments directed to the appellate court relating to the Memorandum and Order and Order of Dismissal entered in this action on March 16, 2022. As plaintiff is aware, prior to seeking appellate review of a District Court filing, he must first file a notice of appeal in the District Court in a timely manner. *See* Federal Rule of Appellate Procedure 4(a)(1).

Movant has not yet filed a notice of appeal in the District Court, and the current filing before the Court does not comport with the requirements of the Rules of Federal Appellate

Procedure such that it could be construed as a notice of appeal. *See* Rule 3(c) of the Federal Rules of Appellate Procedure.¹


Considering movant's failure to file a notice of appeal prior to forwarding a document to the Court of Appeals, the Court will ask the Clerk of Court to provide movant a form for filing a notice of appeal. Movant should be mindful of the time limitations for filing an appeal, as well as the limitations on seeking extensions for such filings. *See* Rules 4(a)(1)(A) and 25(a)(2)(C) of the Federal Rules of Appellate Procedure; *see also* Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure.² The Court will deny movant's current motion without prejudice.

Accordingly,

IT IS HEREBY ORDERED that movant's motion titled, "Attachment, to Compel District Court[']s Review of Ineffective Assist[ance] of Counsel," [ECF No. 4] is **DENIED without prejudice**.

IT IS FURTHER ORDERED that the Clerk shall provide movant a form for filing a notice of appeal.

Dated this 12th day of April, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

¹Pursuant to Rule 3(c)(1)(A)-(C), the notice of appeal must "specify the party or parties taking the appeal by naming each one in the caption or body of the notice. . . designate the judgment – or the appealable order – from which the appeal is taken; and name the court to which the appeal is taken."

²The Court dismissed movant's case pursuant to Rule 4 review on March 16, 2022. Under Rules 4(a)(1)(A) and 25(a)(2)(C) of the Federal Rules of Appellate Procedure, plaintiff's notice of appeal is due to be placed in the mail system at Terre Haute USP no later than April 16, 2022.